

§ 670.14

subject to the same procedures as a new application.

(d) *Notice of issuance or denial.* Within 10 days after the date of the issuance or denial of a permit, the Director shall publish notice of the issuance or denial in the FEDERAL REGISTER.

(e) *Agents of the permit holder.* The Director may authorize the permit holder to designate agents to act on behalf of the permit holder.

(f) *Marine mammals, endangered species, and migratory birds.* If the Director receives a permit application involving any native mammal which is a marine mammal as defined by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)), any species which is an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or any native bird which is protected under the Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*), the Director shall submit a copy of the application to the Secretary of Commerce or to the Secretary of the Interior, as appropriate. If the appropriate Secretary determines that a permit should not be issued pursuant to any of the cited acts, the Director shall not issue a permit. The Director shall inform the applicant of any denial by the appropriate Secretary and no further action shall be taken on the application. If, however, the appropriate Secretary issues a permit pursuant to the requirements of the cited acts, the Director still must determine whether the proposed action is consistent with the Act and the regulations in this part.

§ 670.14 Conditions of permits.

(a) *Possession of permits.* Permits issued under the regulations in this part, or copies of them, must be in the possession of persons to whom they are issued and their agents when conducting the authorized action.

(b) *Display of permits.* Any permit issued shall be displayed for inspection upon request to the Director, designated agents of the Director, or any person with enforcement responsibilities.

(c) *Filing of reports.* Permit holders are required to file reports of the activities conducted under a permit. Reports shall be submitted to the Direc-

45 CFR Ch. VI (10–1–02 Edition)

tor not later than June 30 for the preceding 12 months.

§ 670.15 Modification, suspension, and revocation.

(a) The Director may modify, suspend, or revoke, in whole or in part, any permit issued under this subpart:

(1) In order to make the permit consistent with any change to any regulation in this part made after the date of issuance of this permit;

(2) If there is any change in conditions which make the permit inconsistent with the purpose of the Act and the regulations in this part; or

(3) In any case in which there has been any violation of any term or condition of the permit, any regulation in this part, or any provision of the Act.

(b) Whenever the Director proposes any modifications, suspension, or revocation of a permit under this section, the permittee shall be afforded opportunity, after due notice, for a hearing by the Director with respect to such proposed modification, suspension or revocation. If a hearing is requested, the action proposed by the Director shall not take effect before a decision is issued by him after the hearing, unless the proposed action is taken by the Director to meet an emergency situation.

(c) Notice of the modification, suspension, or revocation of any permit by the Director shall be published in the FEDERAL REGISTER, within 10 days from the date of the Director's decision.

§ 670.16 [Reserved]

Subpart D—Native Mammals, Birds, Plants, and Invertebrates

§ 670.17 Specific issuance criteria.

With the exception of specially protected species of mammals, birds, and plants designated in subpart E of this part, permits to engage in a taking or harmful interference:

(a) May be issued only for the purpose of providing—

(1) Specimens for scientific study or scientific information; or

(2) Specimens for museums, zoological gardens, or other educational or cultural institutions or uses; or

National Science Foundation

§ 670.20

(3) For unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and

(b) Shall ensure, as far as possible, that—

(1) No more native mammals, birds, or plants are taken than are necessary to meet the purposes set forth in paragraph (a) of this section;

(2) No more native mammals or native birds are taken in any year than can normally be replaced by net natural reproduction in the following breeding season;

(3) The variety of species and the balance of the natural ecological systems within Antarctica are maintained; and

(4) The authorized taking, transporting, carrying, or shipping of any native mammal or bird is carried out in a humane manner.

§ 670.18 Content of permit applications.

In addition to the information required in subpart C of this part, an applicant seeking a permit to take a native mammal or native bird shall include a complete description of the project including the purpose of the proposed taking, the use to be made of the native mammals or native birds, and the ultimate disposition of the native mammals and birds. An applicant seeking a permit to engage in a harmful interference shall include a complete description of the project including the purpose of the activity which will result in the harmful interference. Sufficient information must be provided to establish that the taking, harmful interference, transporting, carrying, or shipping of a native mammal or bird shall be humane.

§ 670.19 Designation of native mammals.

The following are designated native mammals:

Pinnipeds:

Crabeater seal—*Lobodon carcinophagus*.
Leopard seal—*Hydrurga leptonyx*.
Ross seal—*Ommatophoca rossi*.¹
Southern elephant seal—*Mirounga leonina*.
Southern fur seals—*Arctocephalus* spp.¹

¹These species of mammals have been designated as specially protected species and are subject to subpart E of this part.

Weddell seal—*Leptonychotes weddelli*.

Large Cetaceans (Whales):

Blue whale—*Balaenoptera musculus*.

Fin whale—*Balaenoptera physalus*.

Humpback whale—*Megaptera novaeangliae*.

Minke whale—*Balaenoptera acutirostrata*.

Pygmy blue whale—*Balaenoptera musculus breviceauda*

Sei whale—*Balaenoptera borealis*

Southern right whale—*Balaena glacialis australis*

Sperm whale—*Physeter macrocephalus*

Small Cetaceans (Dolphins and porpoises):

Arnoux's beaked whale—*Berardius arnuxii*.

Commerson's dolphin—*Cephalorhynchus commersonii*

Dusky dolphin—*Lagenorhynchus obscurus*

Hourglass dolphin—*Lagenorhynchus cruciger*

Killer whale—*Orcinus orca*

Long-finned pilot whale—*Globicephala melaleuca*

Southern bottlenose whale—*Hyperoodon planifrons*.

Southern right whale dolphin—*Lissodelphis peronii*

Spectacled porpoise—*Phocoena dioptrica*

§ 670.20 Designation of native birds.

The following are designated native birds:

Albatross

Black-browed—*Diomedea melanophrys*.

Gray-headed—*Diomedea chrysostoma*.

Light-mantled sooty—*Phoebastria palpebrata*.

Wandering—*Diomedea exulans*.

Fulmar

Northern Giant—*Macronectes halli*.

Southern—*Fulmarus glacialis*.

Southern Giant—*Macronectes giganteus*.

Gull

Southern Black-backed—*Larus dominicanus*.

Jaeger

Parasitic—*Stercorarius parasiticus*.

Pomarine—*Stercorarius pomarinus*

Penguin

Adelie—*Pygoscelis adeliae*.

Chinstrap—*Pygoscelis antarctica*.

Emperor—*Aptenodytes forsteri*.

Gentoo—*Pygoscelis papua*.

King—*Aptenodytes patagonicus*.

Macaroni—*Eudyptes chrysolophus*.

Rockhopper—*Eudyptes crestatus*.